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60,246-300; 10,831

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shah
Serial No.: 10/752,626
Filed: 1/7/2004
Art Unit: 3744
Examiner: Tanner, Harry B.
Title: Serial Communicating HVAC System

M/S After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

In response to the Examiner's Answer mailed September 7, 2006, appellant submits the following concise Reply Brief.

At the outset, appellant appreciates the indication of allowability with regard to claims 3, 6, 12-15 and 18.

The Rejection of Claim 1 Remains Improper

The examiner points to three sections of the Kobayashi, et al. patent which mention that there is a control for the overall HVAC system of Kobayashi, et al., and that control does control a heating function. However, what is required is that a central control communicate with a control at the indoor HVAC unit, which the indoor unit provides heat to air. There is no disclosure of such a control in Kobayashi, et al. Thus, the claim is not properly met by Kobayashi, et al.

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Dependent Claim 2 is Also Improperly Rejected

With regard to claim 2, the examiner points to element 17D, which is simply a serial transmission circuit. It is not a "control" in any sense of the word. Further, claim 2 requires that the communication between the central control and both the indoor HVAC unit and the outdoor HVAC unit be "over said data bus." That is, a single data bus. In Kobayashi, et al., the communication with the element 17D has nothing to do with the communication with the damper. As such, claim 2 is not properly rejected. The examiner argues that the fact that the communication line to each of these elements is numbered 106 implies they are the same. However, and as described for example in the paragraph bridging columns 5 and 6 of Kobayashi, et al., they are separate lines. See for example the sentence at lines 63-66 of col. 5. Simply, Kobayashi, et al. does not disclose a common data bus for the two elements.

Dependent Claim 5 is Also Improperly Rejected

With regard to claim 5, the examiner argues that the sensors 9B are "peripheral." However, those sensors are integral to the control of the damper, and thus are not "peripheral" within any fair meaning of the word.

The Rejection of Claim 22 is Improper

Claim 22 is improperly rejected for reasons similar to those mentioned above with regard to claim 1. It is an unfair reading of the claim to believe that a damper can meet the limitations of providing a "heating function" to air. A damper simply allows heated or cooled air to pass.

The Rejection of Claims 23, 25 and 27 is Improper

The examiner takes "official notice" that furnaces and fans/heater units are known. Appellant does not disagree. However, these claims specifically recite that the "indoor HVAC unit" is one of those known elements. Kobayashi, et al. only discloses a damper control that communicates with a central control, and thus the examiner's reliance upon this damper control is even more improper with regard to these claims. Kobayashi, et al. does not have the required control controlling any disclosed furnace or a fan/heater unit.

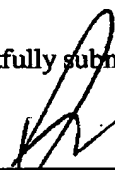
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control. Kobayashi, et al. has its indoor unit communicating in parallel with its central control relative to the outdoor unit. As such, this claim cannot be properly met.

CLOSING

Appellant has developed a system that allows simple communication across an HVAC system. The prior art has not provided such benefits, and certainly Kobayashi, et al. does not meet the limitations of the claims. For the reasons set forth above, and for the reasons provided in the main brief, the rejection of the claims is improper and should be reversed.

Respectfully submitted,



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Dated: November 7, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on November 7, 2006.



Laura Combs